

MINUTES OF THE PLANNING COMMISSION MEETING OF MAY 02, 2007 AT 6:00 P.M. HELD
IN THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBER.

MEMBERS PRESENT: Tom Bowen, Geoff Armstrong, Jim Keane, Jerri Harwell,
JoAnn Frost, Gordon Nicholl, Doug Haymore, Amy Rosevear

MEMBERS EXCUSED: Sue Ryser

STAFF PRESENT: Planning Director Michael Black, Associate Planner Glenn Symes, Planning
Intern Camille Petersen, City Attorney Shane Topham, Planning Coordinator
Sherry McConkey

OTHERS PRESENT: John Gust, Dan Brammer, Debbie and Ron Wolthuis, Mark Tahman, Laura
Fuller, Allan Packer, Elle Kirsan- Bramer, Greg and Dorothy Hansaker, Eric
Pouengnt, Howard Norton, Jackie Burrows, Chuck O'Brien, Paula Rutter,
Curtis Preece, Robert Harbrecht, Sherrie Harbrecht, Kari Cunningham

Chair Bowen called the meeting to order.

1.0 **PUBIC COMMENT**

1.1 No public comment was given

2.0 **PUBLIC HEARING – CONDITIONAL USE - LAURA FULLER SHORT-TERM
RENTAL**

2.1 Mr. Symes reviewed the subject property explaining that the request is for a conditional use
permit for a short-term rental located at 3325 E. Bengal Blvd. He gave an overview of the
surrounding properties and discussed the comments received regarding this application. Staff is
recommending approval of this application.

2.2 Laura Fuller stated that she has a large family that occasionally stay with her and it would be nice
to have this for their use, and to rent out temporarily when family is not staying in it..

2.3 Chair Bowen opened the public hearing.

2.4 Dan Brammer said he has lived in this area for many years and believes that having a short-term
rental in the area would decrease the value of his property and the surrounding homes. The issues
that come with short-term rentals are traffic and safety issues. He stated his opposition to adding
short-term rentals to this area.

Ms. Fuller explained that her intent is to keep a close eye on her property out of respect to the
neighborhood.

2.5 Chair Bowen closed the public hearing.

2.6 Commissioner Frost asked whether there are restrictions on renters in a short-term rental that is
next to a daycare. She added that her concern is that an offender could rent the house and the
safety of children in the area would be a concern.

City Attorney Shane Topham stated that he was not aware of anything in the Code and would need time to research the issue.

- 2.7 Commissioner Rosevear asked if the house was currently being operated as a short-term rental.

Ms. Fuller stated that it is not operating as one at this time, but there is a sign in the front yard to determine if there is any interest.

- 2.8 **MOTION:** Commissioner Nicholl moved to approve the conditional use permit for a short-term rental. The motion was seconded by Commissioner Armstrong.

- 2.9 **DISCUSSION:** Mr. Keane asked Mr. Nicholl to modify the motion to include the proposed conditions listed in the May 2, 2007 staff report.

- 2.10 **AMENDED MOTION:** Mr. Nicholl moved to approve the conditional use permit for a short-term rental subject to the conditions listed in the May 2, 2007 staff report. The motion was seconded by Mr. Armstrong.

- 2.11 **DISCUSSION:** Ms. Rosevear asked what type of fencing material is used between the proposed rental and the daycare.

Ms. Fuller stated the fence is vinyl.

- 2.12 Ms. Rosevear explained that she is opposed to a short-term rental being located next to a daycare and would vote against the short-term rental because she believes that the character of the neighborhood will be substantially affected by a short-term rental.

Mr. Haymore, Ms. Frost, and Chair Bowen agreed with Ms. Rosevears' comments.

- 2.13 **VOTE:** The motion failed on a vote of 5-2 with Chair Bowen, Ms. Frost, Ms. Rosevear, Mr. Haymore and Mr. Keane voting no.

3.0 **PUBLIC HEARING – ZONE CHANGE - BRETT ROWE**

- 3.1 Mr. Symes reviewed the subject property explaining that the applicant is requesting a zone from for property located at 2494 E. Bengal Blvd. from R-1-8 to Residential Office. The property is located just south of the skate park. Mr. Symes stated that the applicant originally applied for Neighborhood Commercial which is consistent with the General Plan designation but amended his application. Staff is recommended approval of the zone change.

- 3.2 Brett Rowe, applicant, made himself available for questions.

- 3.3 Chair Bowen opened the public hearing.

- 3.4 Mary Gene Fuller, expressed concern about additional traffic and question if the walkway the children in the neighborhood use to go to and from school would be put in harms way.

3.5 Curtis Preece questioned if there would be increased traffic and overflow parking coming into the neighborhood.

3.6 Carrie Cunningham stated that this area does not have curb, gutter and sidewalk and is concerned about overflow parking.

3.7 Chair Bowen closed the public hearing.

3.8 Chair Bowen asked if the parking requirements have been reviewed.

Mr. Symes explained that Staff has not seen a site plan.

Mr. Black said that this is a public street and Staff will have to look at the uses that are proposed.

3.9 Commissioner Rosevear asked if the sidewalk, curb and gutter would be added.

Mr. Black stated that any improvements would be made at the time the development occurs.

3.10 Brett Rowe, applicant, stated that the intent of the owner was to explore the highest and best use of the property. They are envisioning having duplexes on the property.

3.11 Commissioner Rosevear stated she would like to speak to the engineer and find out about moving the crosswalk along the street as well as bulb outs. She would like to see how access off of Bengal Bend Cove. Also, could the Planning Commission look at the highest potential impact .

Mr. Black stated he could look at the highest potential impacts , although this was already designated on the General Plan as Neighborhood Commercial.

3.10 **MOTION:** Commissioner Rosevear moved to continue this item to the June 6, 2007, meeting. The motion was seconded by Commissioner Frost.

3.16 **DISCUSSION:** Commissioner Haymore stated that he is opposed to the motion and believes that the Residential Office zone is an appropriate zone for this location.

3.17 Commissioner Nicholl stated that many hours have been spent on the General Plan and this application is a lesser use than the General Plan anticipates. He expressed opposition to the motion.

3.18 **RESTATEMENT OF MOTION:** Commissioner Rosevear moved to continue this item to the June 6, 2007, meeting. The motion was seconded by Commissioner Frost and passed on a vote of 5-2 with Commissioner Nicholl and Commissioner Haymore voting no.

4.0 **PUBLIC HEARING – CONDITIONAL USE – COTTONWOOD MEADOWS PUD**

4.1 Mr. Symes reviewed the subject property located at 1805 East Pelton Way and stated that the City has received an application for a 29-lot PUD on approximately 19.6 acres of property. The average lot size would be 0.66 acre which is consistent with the RR-1-29 zone . He reviewed the proposed landscaping and noted that a linear park is being added to the development along with

walking paths. Staff recommended approval subject to the conditions listed in the Staff Report with the following modifications:

Item #1: That the number of lots be limited to 29 and the configuration and size of those lots be limited to what is shown on the approved preliminary plat.

Item #7: That no gates be approved for the proposed development for Pelton Drive and Cottonwood Drive. This would limit gates to the main entrance of the development, not for each individual lot.

Item #19: That no fences be allowed fronting Siesta Drive.

Mr. Symes explained that this site plan has been reviewed by the Architectural Review Commission and received a certificate of design compliance.

4.2 Chair Bowen opened the public hearing.

4.3 Mark Johnson, stated that there have been many changes to the proposed development and is concerned about the density. This project started with 33 lots and 29 lots are now proposed. He stated that Lots 18, 23, 24, and 27 have been calculated incorrectly and add up to .19 acre, which is less than 1/5 of an acre.

4.4 Ron Walthious, stated that he lives on a ½-acre lot and is concerned that the lots are smaller than the underlying proposed zone. He would like the Planning Commission to deny the PUD as it has been submitted and make changes to the lot sizes. He believes that Staff is favoring the developer, and should be looking out for the residents. He believes the developer is trying to cram too many lots into a small area.

4.5 Lisa Walker stated that she is happy with the layout and believes it will be a great improvement to the neighborhood.

4.6 Elke Kristan Brauer asked if there is any kind of height restriction on the lots so that the views are not blocked.

Chair Bowen said there is a height restriction.

4.7 Howard Norton, stated that he likes the development but is concerned about the additional traffic and traffic devices that may be used. He said that Siesta Drive is already having a problem with speeding traffic.

4.8 Paula Rutter, said that she has lived in this area for 26 years and asked that any street lighting be pointed downward so the neighbors are not disturbed. She asked if the dump trucks could use an alternative route so that all of the traffic is not on her street.

4.9 Margo Calley expressed support for the plan and believes that Arbor Development and the City Staff have done a good job.

- 4.10 Alan Packer stated that he is concerned about the number of lots being addressed. He stated that the implication of a PUD is that the surrounding properties might change, and he would like the open space to be recalculated. He is concerned about the smaller lot sizes and would like to reduce the number of lots.
- 4.11 John Gust, applicant, explained that the lots on Siesta Drive are a net calculation and do not include the middle of the road. Mr. Gust thanked the Planning Commission and the City for their hard work and many hours they have put in on this project.
- 4.12 Chair Bowen closed the public hearing.
- 4.13 Commissioner Rosevear asked if the net density calculation to the middle of the road and stated that this calculation was correct.
- 4.14 Commissioner Nicholls asked Staff what the setbacks are from the linear parks.

Mr. Symes stated that the rear yard setbacks are 30 feet; and the side and front yard setbacks are ten feet. The front of the home must be at least ten feet from the open space easement.

- 4.15 **MOTION:** Commissioner Haymore moved to approve the conditional use for the Cottonwood Meadows PUD with the recommendations of staff with the addition that the delineation. The motion was seconded by Commissioner Rosevear.
- 4.16 **DISCUSSION:** Commissioner Keane asked where the stone wall would be placed.
- Mr. Gust stated that the arterial is the same as Ashley Downs.
- 4.17 Mr. Armstrong explained that the traffic problem should not be associated with this development and believes it will go down.
- 4.18 Chair Bowen explained that the Planning Commission originally asked for one-acre lots and an alternative decision was made. The new zone was a compromise and he believes that the purpose of the Commission is to make the best decision possible with the needs of the community and the rights of the property owner in mind.
- 4.19 Ms. Frost stated that the community, city and the developer have done a marvelous job.
- 4.20 **Vote:** The motion passed unanimously on a voice vote..
- 5.0 **PUBLIC HEARING – ORDINANCE AMENDMENT – NON-DEPOSITORY LENDING INSTITUTION REGULATIONS**
- 5.1 Mr. Symes explained the proposed changes to **Section__19__**. He reviewed the definitions that were added. It is proposed that Non-Depository Lending Institutions be limited to a one per each 10,000 residents and that they be at least one mile apart.
- 5.2 Chair Bowen opened the public hearing.

5.3 No public comment was received.

5.4 Chair Bowen closed the public hearing.

5.5 Commissioner Rosevear asked if Sgt. Brennaman could attend a Planning Commission meeting to answer questions about this type of lending institution.

5.6 This item will be continued until the June 6, 2007 meeting.

6.0 **APPROVAL OF MINUTES**

6.1 **MOTION:** Commissioner Haymore moved to approve the minutes for April 4, 2007. The motion was seconded by Commissioner Armstrong and passed unanimously on voice vote.

6.2 **MOTION:** Commissioner Armstrong moved to approve the minutes for April 18, 2007. The motion was seconded by Mr. Armstrong and passed unanimously on voice vote.

Chair Bowen asked the Planning Commission to look at the Catholic Church Building according to the code.

Ms. Rosevear stated we should have criteria to look at for minor site plan amendment.

7.0 **ADJOURNMENT**

7.1 **MOTION:** Commissioner Rosevear moved to adjourn. The motion was seconded by Commissioner Frost and passed unanimously on a voice vote. The business meeting adjourned at 8:28 p.m.

Approved: 7-18-07 sm